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January 25, 2017

**BY ECF**

Honorable Katherine B. Forrest  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

***Re: Vega v. Shinobi NY LLC et al.***  
***16-CV-10061 (KBF)(AJP)***

Dear Judge Forrest:

I represent the plaintiff in the above-referenced case. I am writing to the Court to provide additional information regarding plaintiff's voluntary dismissal of the case pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) (ECF # 6). The Complaint asserted claims arising under the Fair Labor Standards Act ("FLSA") and the New York Labor Law arising from plaintiff's employment with the defendants.

In particular, I am mindful that this Court must scrutinize settlement agreements under the FLSA, to ensure that they are fair, under *Cheeks v. Freeport Pancake House, Inc.* 796 F.3d 199 (2d Cir. 2015). In this case, I spoke with attorneys for the defendants shortly after service of process was completed. Following these conversations, plaintiff decided to voluntarily dismiss the action without prejudice pursuant to FRCP 41(a)(1)(A)(i) (the defendants having not yet answered). Plaintiff's dismissal, I want to assure the Court, was not predicated on any settlement agreement between defendants and plaintiff. There is no such settlement agreement, no agreement in principle to settle and there have been no settlement discussions.

Thank you for your consideration.

Very truly yours,

  
Adam Braverman